

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

OMAHA CONSTRUCTION INDUSTRY)	
PENSION FUND, et al.,)	
)	8:05CV404
Plaintiffs,)	
)	
vs.)	ORDER
)	
RUPERT CONSTRUCTION)	
COMPANY, a Nebraska Corporation,)	
)	
Defendant.)	

This matter is before the Court *sua sponte*. Although it appears on the face of the record that the defendant Rupert Construction Company has failed to timely answer or otherwise respond to the plaintiffs' complaint, the plaintiffs have not applied for entry of default by the Court pursuant to Fed. R. Civ. P. 55 and NECivR 55.1(a). Accordingly, the Court orders the plaintiffs to make application for default or to show good cause, by affidavit filed with the Clerk of the Court, why this action should not be dismissed against Rupert Construction Company, such application or showing of good cause to be filed on or before **November 14, 2005**. In the event the plaintiffs fail to timely make such application or showing, it shall be recommended that this action against Rupert Construction Company be dismissed for lack of prosecution.

DATED this 25th day of October, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge